



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

**MARGARET PAUL CELLUCCI**  
GOVERNOR

**WILLIAM D. O'LEARY**  
SECRETARY

**HOWARD K. KOH, MD, MPH**  
COMMISSIONER

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH APPEALS  
PROCESS FOR M.G.L. C.131, S.80A**

A person or their duly authorized agent can apply to the board of health (Board) for an emergency permit to alleviate threats to human health and safety caused by beaver and muskrat-related flooding. If the Board determines that such a threat does not exist, the Board shall immediately deny the permit and specify, in writing, the reasons for the denial. In the event of a denial, the Board shall also inform the applicant that he or she can employ one of the following options for resolving their problem: 1) appeal to the MDPH for a determination as to the existence of the threat; 2) appeal to the Division of Fisheries & Wildlife (DF&W) if there is a question as to the cause (i.e., type of wildlife) of the threat; 3) contact DF&W for assistance with solutions covered under the non-health or safety threat section of the law (last three paragraphs of M.G.L. c. 131, s. 80A); or 4) contact a private contractor or non-governmental organization for assistance. MDPH and DF&W have agreed to consult with each other on issues where either agency clearly has more expertise, i.e., DF&W will take the lead on issues requiring wildlife expertise, and MDPH will take the lead on issues requiring public health expertise.

If the denial involves the determination of a threat to human health and safety, the applicant can appeal to the MDPH. The appeal must be in writing and received by MDPH (as evidenced by MDPH date stamp or certified/registered mail receipt) within ten (10) days of the written denial from the Board and include: the name, address, and phone number of the applicant; the name, address, and phone number of the duly authorized agent (if applicable); the address of the affected property; the letter of denial from the Board; a statement of the facts; a statement that a copy of the request has been

sent to the landowner (if appellant is a duly authorized agent) and the Board of the city or town where the affected property is located; and a letter from the affected landowners expressing consent for any beaver or muskrat-related work on or affecting their property. Optional material, such as maps, photographs, and videotapes, may be included with the appeal to MDPH. MDPH will send copies of the decision to the applicant, the duly authorized agent (if applicable), and the Board.

Please send appeals to:

Massachusetts Department of Public Health  
Bureau of Environmental Health Assessment  
250 Washington St, 7<sup>th</sup> Floor  
Boston, MA 02108  
Attn: Beaver Appeal  
Fax: (617) 624 5777